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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,870	04/14/2004	John Philip MacCormick	MSFT-5036/307730.01	6179

41505 7590 02/29/2008

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EXAMINER
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MYINT, DENNIS Y

ART UNIT	PAPER NUMBER
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2162

MAIL DATE	DELIVERY MODE
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02/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/823,870

Applicant(s)

MACCORMICK, JOHN PHILIP

Examiner

DENNIS MYINT

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/20/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 7-9, 15-17, 21, 22 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 21 is/are allowed.
- 6) ☒ Claim(s) 9, 15, 16, 22 and 26 is/are rejected.
- 7) ☒ Claim(s) 1, 7, and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the office action, dated August 22, 2006, has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 20, 2007, has been entered.

2. The amendment filed on November 20, 2007 has been received and entered. Claims 1, 7-9, 15-17, 21-22 and 26 are pending in this application. In amendment filed on November 20, 2007, claims 1, 9, 17, and 22 were amended. Claims 1, 9, 17, and 22 are independent claims.

### ***Claim Objections***

3. Claims 1 and 9 are objected to because of the following informalities. Claim 1 in line 8 recites "excised from **the B-tree**". Said B-tree refers to "the original B-tree" in line 6. As such, "excised from the original B-tree" is respectfully suggested. Appropriate correction is required.

Similarly, claim 9 in line 9 recites "excised from **the B-tree**". Said B-tree refers to "the original B-tree" in line 7. As such, "excised from the original B-tree" is respectfully suggested. Appropriate correction is required.

### **Claim Rejections - 35 USC § 101**

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 9, 15, 16, <sup>22</sup>~~95~~, and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Both Claim 9 and claim 22 in line 1 recite "a computer-readable medium". The specification of the claimed invention defines computer-readable medium as follows:

*The computer 110 typically includes a variety of computer -readable media. **Computer -readable media can be any available media that can be accessed by the computer 110 and includes both volatile and nonvolatile media, and removable and nonremovable media. By way of example, and not limitation, computer -readable media may comprise computer storage media and communication media.** Computer storage media includes volatile and nonvolatile, removable and nonremovable media implemented in any method or technology for storage of information such as computer -readable instructions, data structures, program modules or other data. Computer storage media includes, but is not limited to, RAM, ROM, EEPROM, flash memory or other memory technology, optical disk storage, magnetic cassettes, magnetic tape,*

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*magnetic disk storage or other magnetic storage devices, or any other medium which can be used to store the desired information and which can be accessed by the computer 110. **Communication media** typically embodies computer -readable instructions, data structures, program modules or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media. The term "**modulated data signal**" means a signal that has one or more of its characteristics set or changed in such a manner as to encode information in the signal. By way of example, and not limitation, **communication media includes wired media such as a wired network or direct-wired connection, and wireless media such as acoustic, RF, infrared and other wireless media.** Combinations of the any of the above are included within the scope of computer -readable media (Paragraph 0018 of the U.S. Patent Application Publication 2005/0234951 or Paragraph 0019 of the original specification of the application).*

As such, claims 9 and 22 are directed to modulated data signals, wireless media, acoustic, RF, infrared and other wireless media, which are not statutory. Therefore, claims 9 and 22 are rejected under 35 U.S.C. § 101.

Claims 15-16 are rejected under 35 U.S.C. § 101 because their dependency on claims 9.

Claim 26 is rejected under 35 U.S.C. § 101 because its dependency on claims 22.

***Allowable Subject Matter***

6. Claims 1, 7 and 8 are allowable if rewritten to overcome the claim objection set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

As per claim 1, the prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in the claim. Reiter et al., (hereinafter "Reiter") (U.S. Patent Number 5752243) in view of Bumbulis (hereinafter "Bumbulis") (U.S. Patent Application Publication Number 2003/0204513) and further in view of Burnett (U.S. Patent Application Publication Number 2002/0152226) does not teach the limitation:

"wherein the excised range of consecutive keys satisfy a range query  $"Y/" \leq v \leq "y/\alpha"$ , wherein "Y" represents the element of the file system to be renamed, "v" represents keys in the B-tree, and "  $\alpha$  " represents a special character defined to be greater than all characters in a set of alphanumeric symbols used for creating the plurality of keys, and

wherein the excising further comprises finding a root node of the extracted tree by traversing the original B-tree and stopping at a node in the original B-tree that has one or more keys that satisfy the range query, moving down from the node along two separate paths including a first path that follows "Y/" and a second path that follows "y/ $\alpha$ " and continuing until reaching a leaf node along each of the two paths".

As such claim 1 would be allowable if rewritten to overcome the claim objection set for this Office Action. The dependent claims, being definite, further

limiting, and are fully enabled by the specification would be allowable if claim 1 is rewritten to overcome the claim objection set for this Office Action.

7. Claims 9, 15 and 16 are allowable if rewritten to overcome the claim objection and the claim rejection under 35 U.S.C. § 101 set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

As per claim 9, the prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in the claim. Reiter in view of Bumbulis and further in view of Burnett does not teach the limitation:

"wherein the excised range of consecutive keys satisfy a range query  $"Y/" \leq v \leq "y/\alpha"$ , wherein "Y" represents the element of the file system to be renamed, "v" represents keys in the B-tree, and "  $\alpha$  " represents a special character defined to be greater than all characters in a set of alphanumeric symbols used for creating the plurality of keys, and

wherein the excising further comprises finding a root node of the extracted tree by traversing the original B-tree and stopping at a node in the original B-tree that has one or more keys that satisfy the range query, moving down from the node along two separate paths including a first path that follows "Y/" and a second path that follows "y/  $\alpha$  " and continuing until reaching a leaf node along each of the two paths".

As such claim 9 would be allowable if rewritten to overcome the claim objection and the claim rejection under 35 U.S.C. § 101 set forth in this Office. The

dependent claims, being definite, further limiting, and are fully enabled by the specification would be allowable if claim 9 is rewritten to overcome the claim objection and the claim rejection under 35 U.S.C. § 101 set for this Office Action.

8. Claims 17 and 21 are allowed. The following is a statement of reasons for the indication of allowable subject matter. As per claim 17, the prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in the claim. Reiter in view of Bumbulis and further in view of Burnett does not teach the limitation:

“wherein the excised range of consecutive keys satisfy a range query  $"Y/" \leq v \leq "y/\alpha"$ , wherein "Y" represents the element of the file system to be renamed, "v" represents keys in the B-tree, and "  $\alpha$  " represents a special character defined to be greater than all characters in a set of alphanumeric symbols used for creating the plurality of keys, and

wherein the excising further comprises finding a root node of the extracted tree by traversing the original B-tree and stopping at a node in the original B-tree that has one or more keys that satisfy the range query, moving down from the node along two separate paths including a first path that follows "Y/" and a second path that follows "y/ $\alpha$  " and continuing until reaching a leaf node along each of the two paths”.

The dependent claim of claim 17 (claim 21), being definite, further limiting and fully enabled by the specification is also allowed.



9. Claims 22 and 26 are allowable if rewritten to overcome the claim rejection under 35 U.S.C. § 101 set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

As per claim 22, the prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in the claim. Reiter in view of Bumbulis and further in view of Burnett does not teach the limitation:

"wherein the excised range of consecutive keys satisfy a range query  $"Y/" \leq v \leq "y/\alpha"$ , wherein "Y" represents the element of the file system to be renamed, "v" represents keys in the B-tree, and "  $\alpha$  " represents a special character defined to be greater than all characters in a set of alphanumeric symbols used for creating the plurality of keys, and

wherein the excising further comprises finding a root node of the extracted tree by traversing the original B-tree and stopping at a node in the original B-tree that has one or more keys that satisfy the range query, moving down from the node along two separate paths including a first path that follows "Y/" and a second path that follows "y/ $\alpha$  " and continuing until reaching a leaf node along each of the two paths".

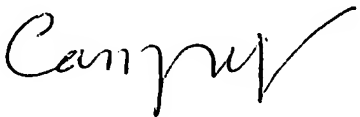
As such claim 22 would be allowable if rewritten to overcome the claim rejection under 35 U.S.C. § 101 set forth in this Office. The dependent claim (claim 26), being definite, further limiting, and are fully enabled by the specification would be allowable if claim 22 is rewritten to overcome the claim rejection under 35 U.S.C. § 101 set for this Office Action.


**Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Camy Tuong  
Primary Examiner

  
Dennis Myint  
Examiner  
AU-2162